OFFICE OF ABORIGINAL AFFAIRS

BUSINESS PLAN 2003-04

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Appendix A - Outcome Measures

A. Message from the Minister

The past year was a challenging but rewarding one for the Office of Aboriginal Affairs as we entered a new phase in our relationship with the Mi'kmaq.

With a small but dedicated staff we achieved a landmark Umbrella Agreement with the Mi'kmaq which started us on the road to full negotiations on treaty and related issues. We also began refunding fuel taxes wrongfully collected from Status Indians as well as implementation of a point of sale fuel tax exemption program. We are proud of what we have been able to do for the people of Nova Scotia.

With the signing of the Umbrella Agreement by the Province, the 13 Mi'kmaq chiefs and the Federal Government, we now face the challenge of leading a comprehensive negotiating process aimed at bringing about a new relationship between the Province and the Mi'kmaq.

To ensure the success of these negotiations, we intend to jointly undertake measures supporting a broader understanding and awareness of Aboriginal issues in Nova Scotia and engaging stakeholders in the process.

The Umbrella Agreement also provided for the renewal and revitalization of the Mi'kmaq-Nova Scotia-Canada Tripartite Forum, which the Office of Aboriginal Affairs helps to fund. It is a key mechanism for governments and the Mi'kmaq to come together to discuss and resolve issues of mutual concern.

The Office will also work to renew gaming agreements with Nova Scotia's First Nations to ensure that the economic and community development projects now underway continue in First Nations communities across the province.

We hope you take time to examine this document and contact the Office of Aboriginal Affairs if you need further information.

Michael G. Baker QC
Minister responsible for Aboriginal Affairs

B. Vision

The vision of the Office of Aboriginal Affairs (OAA) is:

Partnership. Negotiation. Direction.
On our journey toward fair and meaningful relationships with Aboriginal Peoples, we strive to build an inclusive, informed and prosperous Nova Scotia.

C. Mission Statement

It is the mission of the Office of Aboriginal Affairs to:

Lead Nova Scotia in Aboriginal Affairs by building mutual understanding, respect and a lasting relationship.

D. Planning Context

Nova Scotia has 13 Mi'kmaq Bands with the population of these communities ranging from 208 in the Annapolis Valley First Nation to 3,451 in the Eskasoni First Nation. In total, there are 12,261 registered Indians in Nova Scotia as of December 31, 2001. Of these, 3,960 live off-reserve. The registered Indian population in Nova Scotia is represented through a series of 13 band councils and two tribal councils, the Confederacy of Mainland Mi'kmaq and the Union of Nova Scotia Indians.

Other Aboriginal organizations include the Native Council of Nova Scotia which provides a range of services, primarily to Aboriginal people living off-reserve and the Native Women's Association which provide Aboriginal women with a voice in the social, cultural and economic development of the Aboriginal community.

The Federal Government has primary fiduciary duty and constitutional responsibility for Aboriginal peoples in Canada. At the Federal level, responsibility for Aboriginal people is split between Indian and Northern Affairs Canada (Aboriginals living on-reserve and Inuit) and the Privy Council Office (Aboriginals living off-reserve - Métis and non-status Indians). A host of other federal departments provide funding, programs and services to Aboriginal communities across Canada.

The Province has a role to play in addressing issues that cross jurisdictional boundaries. Nova Scotia also has representation in the Mi'kmaq-Canada-Nova Scotia Forum which addresses a range of issues affecting Nova Scotia's First Nations. In addition, the Province works directly with the Mi'kmaq of Nova Scotia in a number of areas including taxation, gaming, and cultural issues.

With the June 7, 2002 signing of an Umbrella Agreement with the Government of Canada and Assembly of Nova Scotia Chiefs, Nova Scotia has entered a new phase in our relationship with the Mi'kmaq... one based on partnership and a collective willingness to resolve long outstanding issues. This agreement sets out three key aspects to the relationship between the Mi'kmaq, Nova Scotia and Canada:

- Negotiation of a Framework Agreement (Aboriginal and Treaty Rights)
- Development of a terms of reference with respect to the Crown's duty to consult
- A recommitment to the Mi'kmaq - Nova Scotia - Canada Tripartite Forum

The key challenges facing OAA in the 2003-04 fiscal year include the following:

- Leading a broad negotiation process with the Federal Government and the Mi'kmaq of Nova Scotia;
- Completing negotiation with the Mi'kmaq on matters related to fuel tax and gaming;
- Completing an Aboriginal policy framework to assist in the provision of consistent, quality strategic advice and an approach on Aboriginal matters within the Provincial Government;
- In collaboration with the Mi'kmaq and the Government of Canada, supporting a broader understanding and awareness of Aboriginal issues in Nova Scotia and engaging stakeholders in an appropriate manner; and
- Providing leadership within government on a number of issues highlighted by the development of the *Mi'kmaq Legal Support Network*, a *Mi'kmaq Courtworker Program*, and a collaborative initiative with the Mi'kmaq on promoting healthy and active living within First Nation communities (the *Mi'kmaq Youth, Recreation and Active Circle for Living* initiative). Also, Nova Scotia will be taking a leadership role in the Federal-Provincial-Territorial-Aboriginal (FPTA) Forum, acting as provincial co-chair during the coming year.

E. Strategic Goals

1. To represent Nova Scotians' interests effectively in intergovernmental, bilateral and tri-party initiatives and negotiations.

2. To facilitate and support a coordinated approach within Government on matters related to Aboriginal issues.

3. To work collaboratively with the Mi'kmaq, and other Federal and Provincial agencies to foster economic development and community capacity building.

4. To enhance awareness of Mi'kmaq culture.

5. To build a sustainable framework for First Nation-Government relations.

F. Core Business Areas

The Office of Aboriginal Affairs carries out its responsibilities through the following four core businesses areas:

1. **Negotiations and Related Discussions** - The Office of Aboriginal Affairs is responsible for coordinating departmental input into the negotiations process and representing the province's interests in negotiations and related discussions with the Federal Government and the Nova Scotia Mi'kmaq.

2. **Aboriginal and Intergovernmental Relations** - This area includes working with Aboriginal communities and organizations and other levels of Government to coordinate Aboriginal initiatives, develop strategies, and build and maintain a sustainable framework for First Nation-Government relations.

3. **Interdepartmental Coordination, Policy Analysis and Strategic Advice** - This business area includes providing corporate policy and strategic advice and support to departments and agencies concerning Aboriginal issues.

4. **Communication, Public Education and Awareness** - A key element of OAA's activity is aimed at increasing understanding of issues related to Aboriginal people in Nova Scotia. This business area employs the use of strategic communication and public education tools both internal to the Provincial government and externally to enhance understanding and raise awareness.

G. Priorities 2003-04

1. Negotiations and Related Discussions

- During the coming year, following on the three party commitment to the Umbrella Agreement, Nova Scotia will continue working on the negotiation of a Framework Agreement with the Mi'kmaq and the Government of Canada. This Agreement will outline the process and procedures for the negotiation of treaty related issues and will identify the substantive issues to be negotiated by the parties.

- During 2003-04, the Government will begin participation in a Mi'kmaq-Nova Scotia-Canada process to address consultation requirements between Government and First Nations in specific circumstances.

- The Office of Aboriginal Affairs will continue to coordinate the involvement and input of provincial departments and agencies in treaty-related and consultation negotiations. This corporate approach will ensure provincial interests are fully identified and represented through the negotiations. A senior officials group representing key provincial departments has been created to ensure that provincial interests are fully understood as we enter the formal negotiation phase.

- The Government is taking steps to ensure that the interests of municipalities, third parties and other stakeholders are understood and respected. These steps mainly involve the development of mechanisms to provide timely and accurate information as well as to receive advice for negotiators.

2. Aboriginal and Intergovernmental Relations

- A key element of the Umbrella Agreement was a recommitment to the Tripartite Forum, a mechanism created in 1997 to resolve issues of mutual concern between Canada, Nova Scotia and the Mi'kmaq. The last several years have been ones of transition and restructuring. With the completion of this transition period, the Forum in the coming year will be an important vehicle for building relationships and developing collaborative solutions to the many challenges facing First Nations in Nova Scotia. In addition to coordinating the provincial involvement in this process, OAA will be taking a leadership role in implementing a communications plan to support the activities of the forum and create a greater awareness of the uniqueness and benefits of the Forum.

- The *Mi'kmaq Legal Support Network* (MLSN), created in 2002-03, provides an umbrella network to support current and future justice programs and services directed toward Nova Scotia's Aboriginal community. OAA participates in this initiative in partnership with the Nova Scotia Department of Justice, Justice Canada, Indian and Northern Affairs Canada and the Confederacy of Mainland Mi'kmaq (on behalf of all First Nation communities in Nova Scotia). During 2003-04, the focus of the MLSN will be on the development and implementation of the

Mi'kmaq Courtworker Program to assist in guiding Aboriginal people through the court system in Nova Scotia.

- Through the Tripartite Forum, OAA will work with the Mi'kmaq and Canada in developing and implementing the *Mi'kmaq Youth Recreation and Active Circle for Living* (MYRACL) initiative, which promotes active and healthy living in Mi'kmaq communities across Nova Scotia. Already, Government through the Office of Health Promotion is collaborating with First Nations, along with the rest of the province, on an physical activity initiative for children and youth(PACY) which, so far, is engaging First Nation communities like Pictou Landing, Waycobah, and Membertou. The Mi'kmaq Sport and Recreation Circle, which has existed for several years will be formalized as a key mechanism to address the health and social challenges facing many Aboriginal communities. This will have direct linkages to a number of departments including Health, the Office of Health Promotion, Education and Community Services.

- A new series of Gaming Agreements with First Nations will be put in place to continue government's significant contribution to Mi'kmaq economic and community development. Over the last five years these agreements have contributed approximately $85.5 million to Mi'kmaq communities. Currently, eleven of the thirteen Mi'kmaq communities participate in these agreements.

- OAA, working with Service Nova Scotia and the Department of Finance, is completing the negotiation process to settle the Province's $20 million past liability in relation to Provincial Fuel Tax collected in error from Status Indians who have purchased fuel from service stations located on reserve in Nova Scotia. This interdepartmental working group will continue the administration and issue management of the refunds program.

- During 2003-04, OAA, in collaboration with Service Nova Scotia and Municipal Relations and representatives from the Mi'kmaq will complete the implementation of an innovative program to provide a tax exemption to Status Indians for purchases of fuel on reserve. This program will utilize Nova Scotia drivers licenses and a unique point of sale system to provide this exemption, required under the Federal Indian Act.

- The Federal/Provincial/Territorial/Aboriginal (FPTA) Forum, created in 1999 provides for discussion among governments and national Aboriginal organizations on issues of common priority. During 2003-04, Nova Scotia, in collaboration with Prince Edward Island will act as provincial co-chair. Following direction from the a Ministers/Leaders November 2002 meeting in Iqaluit the focus of the Forum in the coming year will be on education and housing. In addition on-going activities in the area of aboriginal youth and economic participation of Aboriginal women will continue. At the provincial level, OAA will work with departments, the Mi'kmaq and regional staff from the Federal government to adapt this work to the realities of Nova Scotia.

3. Interdepartmental Coordination, Policy Analysis and Strategic Advice

- With the assistance of departments and agencies, OAA will work on developing and implementing an Aboriginal Policy Framework to guide Government's overall approach to Aboriginal issues. The Policy Framework will be consistent with and support Government's overall strategic direction on economic and social policy. This Framework will enhance the effectiveness, efficiency and provide a strategic approach to Government's response on Aboriginal issues, as well as clarity with respect to roles and responsibilities.

- OAA will continue to work closely with departments and agencies to provide advice and support to them in defining their approaches to addressing Aboriginal issues. One such initiative to note is *Mi'kmawey Debert*, involving the Confederacy of Mainland Mi'kmaq and several Provincial departments and agencies. The aim of this initiative is to protect a valuable and unique archaeological site while developing a facility that can share the history and culture of the Mi'kmaq.

4. Communication, Public Education and Awareness

- The Office of Aboriginal Affairs will develop and implement strategies to enhance public understanding and awareness of issues related to Aboriginal people in Nova Scotia, in collaboration with the Mi'kmaq and Federal government whenever possible.

- OAA will work collaboratively with the Tripartite Forum on the development of a comprehensive communications plan. The Tripartite Forum, as previously noted, is one of the principle vehicles in forging a committed and long-lasting relationship amongst all three forum members.

- OAA will provide support for the 11th annual Mi'kmaq Treaty Day events held at Province House in the Fall of 2003.

- OAA will ensure that appropriate communication tools are developed and implemented for sharing information with departments and agencies. For example, OAA will develop and implement interdepartmental protocols and policies to ensure a more consistent and coordinated approach to addressing Aboriginal issues. One such tool in development is an intranet website devoted to profiling First Nation Communities within Nova Scotia.

- OAA will facilitate processes within Government to enhance cultural awareness of Mi'kmaq people. In the last fiscal year, 50 participants (in 4 sessions) from various government departments have taken the *Orientation to Mi'kmaq First Nation Culture* course. In the coming year, OAA will focus and participate in another course called *Aboriginal Perceptions Training*, which was developed by the Aboriginal Justice Learning Network. The training is a comprehensive six-session course designed to equip participants with necessary tools for working in and with Aboriginal communities.

H. Budget Context

The budget for the Office of Aboriginal Affairs is estimated to be $2.2 million in 2003-04. This year will be the first full year of the formal negotiation process agreed to in the Umbrella Agreement signed on June 07, 2002.

Office of Aboriginal Affairs - Estimated Budget Expenditures		
	Forecast 2002\03	Budget 2003\04
	($'000)	($'000)
Total Program Expenses - Gross Current	$ 2,228	$ 2,339
Net Program Expenses - Net of Recoveries*	$ 2,169	$ 2,229
Salaries and Benefits	$ 673	$ 735
Funded Staff (FTEs)	11.0	12.0

* Recoveries relate to the Mi'kmaq Courtworker Program - $100,000 (2003-04)